



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-1370 FAX (603) 271-1381



October 15, 2003

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RETURN RECEIPT REQUESTED

LETTER OF DEFICIENCY
No. WMD 03-31

Palmer Machine
48 North Road, P.O. Box 358
Conway, New Hampshire 03818-0358

Attn: Mr. Michael Palmer, President

Re: Palmer Machine
Conway, New Hampshire
EPA ID # NHD500011564

Dear Mr. Palmer

On July 15, 2003, the Department of Environmental Services, Waste Management Division (DES) conducted an inspection of Palmer Machine (Palmer). The purpose of the inspection was to determine Palmer's compliance status relative to RSA Ch. 147-A and the New Hampshire Hazardous Waste Rules, Env-Wm 100-1100.

As a result of the inspection, the following deficiencies in your hazardous waste management program were documented:

Env-Wm 502.01 – Hazardous Waste Determination

At the time of the inspection, no formal hazardous waste determination had been performed on the waste lamps generated at Palmer. DES inspectors also confirmed that Palmer disposes of waste lamps in the on-site dumpster.

Env-Wm 502.01 requires that all generators of waste determine if their waste is a hazardous waste. Waste determined to be hazardous must be handled pursuant to the requirements of the Hazardous Waste Rules.

DES requested that Palmer test a representative sample of the waste lamps for the characteristic of toxicity as defined in Env-Wm 403.06. Analyses should include, at a minimum, RCRA metals, using the Toxicity Characteristic Leaching Procedure (TCLP) Method 1311 found in Test Methods for Evaluating Solid Wastes, SW-846. Palmer was also advised that a waste determination may be accomplished by using knowledge of the hazardous constituents or characteristics of the waste, based on the materials or processes used to generate the waste.

Alternatively, Palmer may elect to manage waste lamps as "universal waste" in accordance with Env-Wm 1100. The DES Environmental Fact Sheet #WMD-HW-7, "Universal Waste Lamps: Management Requirements for Handlers and Transporters," provided during the inspection will aid you with the determination and requirements for on-site management. Also be apprised that in accordance with Env-Wm 1103.03, employees responsible for universal waste management must be informed of proper waste handling and emergency procedures appropriate to the management of universal waste lamps.

Palmer will need to provide the results of the hazardous waste determination, along with any other supporting data, such as Material Safety Data Sheets (MSDS) and/or chemical analyses, to DES.

The July 22, 2003 Palmer submittal provided documentation substantiating that the facility is managing waste lamps as universal waste and has contacted a universal waste recycler for proper disposal. No further action is required.

2. Env-Wm 507.01(a)(3) Storage Requirements

At the time of the inspection, one (1) 55-gallon container of hazardous waste "Do-ALL" was not closed (See the Main Storage Area Container Inventory).

Env-Wm 507.01(a)(3) requires generators to ensure that containers storing hazardous waste be closed at all times, except when waste is being added to or removed from the containers.

DES requested that Palmer ensure that containers storing hazardous waste be closed at all times, except when adding or removing waste from the containers.

At the time of inspection, Palmer representatives closed the container of hazardous waste "Do-ALL". No further action is required.

Env-Wm 507.03(a)(1)b., c., and d. - Container Marking

At the time of the inspection, the one (1) 55-gallon container of hazardous waste "Do-All" was not marked with the words "hazardous waste", words that identify the contents of the container, and the EPA or state waste number (See the Main Storage Area Container Inventory).

Env-Wm 507.03(a)(1)b., c., and d. require that all containers used for the storage of hazardous waste be marked with the following information at the time they are first used to store wastes: the words "hazardous waste"; words that identify the contents of the container; and the EPA or state waste number.

DES requested that Palmer properly mark all containers of hazardous waste at the time they are first used to store waste with: the words "hazardous waste"; words that identify the contents of the container; and the EPA or state waste number.

At the time of inspection, Palmer labeled the container of hazardous waste "Do-ALL" with the words "hazardous waste"; words that identify the contents of the container; and the EPA waste number. No further action is required.

4. Env-Wm 508.03(a) - Inspection Requirements

At the time of the inspection, Palmer had not conducted and documented container inspections of the hazardous waste storage area at the facility.

Env-Wm 508.03(a) requires small quantity generators using the extended storage provision to conduct and document weekly inspections of all hazardous waste containers.

DES requested that Palmer conduct and document inspections of the hazardous waste storage areas located at the facility, including the date and time of the inspection.

The July 22, 2003 submittal provided documentation substantiating that Palmer has prepared a container inspection log and conducted weekly inspections of the hazardous waste storage area. No further action is required.

5. Env-Wm 508.03(e) – Emergency Posting

At the time of the inspection, Palmer did not have an emergency posting located at the nearest telephone to the hazardous waste storage area.

Env-Wm 508.03(e) requires that small quantity generators using extended storage provision shall post a list of the steps to take if an emergency occurs and the following emergency numbers at the nearest telephone to the hazardous waste storage area:

- (a) The emergency coordinators (home and office);
- (b) The fire department, police department, and State of New Hampshire and local emergency response teams that may be called upon to provide emergency services; and
- (c) The location of fire extinguishers and spill control material, and if present, fire and internal emergency alarms.

DES requested that Palmer post the required emergency information at the nearest telephone to each hazardous waste storage area.

The July 22, 2003 submittal provided documentation substantiating that Palmer has posted the required emergency information at the nearest telephone to the hazardous waste storage area. No further action is required.

6. Env-Wm 508.03(g) – Preparedness and Prevention

At the time of inspection, Palmer had not placed the required emergency spill control equipment, at or near the hazardous waste storage area.

Env-Wm 508.03(g) requires small quantity generators to maintain emergency equipment, including spill control equipment at or near each hazardous waste storage area.

DES requests that Palmer maintain spill control equipment, such as speedi-dry or absorbent rags, near the outside storage area.

7. Env-Wm 508.03(h) – Ignitable Wastes

At the time of inspection, DES inspectors confirmed that a “No Smoking” sign was not posted in the hazardous waste storage area where ignitable hazardous waste “Do-ALL” was stored.

Env-Wm 508.03 (h) requires that “No Smoking” signs be posted wherever there is a hazard from ignitable waste.

DES requests that Palmer ensure that "No Smoking" signs are posted at all areas where there is a hazard from ignitable waste.

8 Env-Wm 807.06(b)(4) - Standards for Generators of Used Oil Being Recycled

At the time of the inspection, one (1) 55-gallon container of used "Way Oil" destined for recycling, was not labeled with the words "Used Oil for Recycle."

Env-Wm 807.06(b)(4) requires that generators of used oil destined for recycling label their containers and tanks with the words "Used Oil for Recycle" at all times during accumulation and storage.

DES requested that Palmer label all containers and tanks of used oil destined for recycling with the words "Used Oil for Recycle" at all times during accumulation and storage.

At the time of inspection, Palmer labeled the container of used "Way Oil" destined for recycling with the words "Used Oil for Recycle." No further action is required.

9 Env-Wm 807.06(b)(5) - Standards for Generators of Used Oil Being Recycled

At the time of the inspection, the one (1) 55-gallon container of used "Way Oil" destined for recycling, was not closed.

Env-Wm 807.06(b)(5) requires that used oil be placed in containers or tanks that remain closed at all times, except to add or remove wastes.

DES requested that Palmer keep all containers and tanks closed at all times except to add or remove used oil. Safety funnels that thread into the bung and have closeable lids that seal are acceptable for this purpose.

At the time of inspection, Palmer closed the container of used "Way Oil" destined for recycling. No further action is required.

10 Env-Wm 807.06(b)(7) - Standards for Generators of Used Oil Being Recycled

A review of Palmer's waste profiles, conducted by Cycle Chem, Inc., indicated that complete used oil determinations had not been conducted for the used "Way Oil" (referred to as Spent Cooling Oil) and the waste "Evaporator Sludge" (referred to as Water Soluble Oil/Glycol).

Env-Wm 807.06(b)(7) requires generators to conduct an initial used oil determination by analyzing it for all of the parameters specified in Env-Wm 807.02 and Env-Wm 807.03 (exclusive of PCB's if no source of PCB's is present).

DES requests that Palmer conduct initial used oil determinations for the parameters outlined in Env-Wm 807.02 and Env-Wm 807.03 for the used "Way Oil" and the "Evaporator Sludge." These parameters include **arsenic, cadmium, chromium, lead, flash point, and total halogens**. Palmer should provide the results of the used oil determinations to DES. Please use the summary of the used oil regulations and the list of analytical laboratories that perform the required testing provided during the inspection to aid you with your determinations.

DES believes the cited deficiencies can be corrected and a report describing the corrective measures taken by Palmer can be submitted within thirty (30) days of receipt of this letter. Supporting documentation that describes the measures taken to achieve compliance should be included with the report.

In the event compliance is not achieved within this period, DES may take further action against Palmer, including issuing an order requiring that deficiencies be corrected, initiating an administrative fine proceeding, and/or referring the matter to the New Hampshire Department of Justice for imposition of civil penalties. In addition, DES personnel may reinspect your facility at a later date to determine whether the facility has come into, and is maintaining, full compliance with the applicable rules. Fines may be pursued for any or all violations observed during this or subsequent inspections of the facility.

The written report as requested above should be addressed as follows:

Kenneth W. Marschner, Administrator
DES/WMD
P.O. Box 95
Concord, New Hampshire 03302-0095

Enclosed you will find a copy of the completed Hazardous Waste Generator Inspection Report which documents the compliance status of your facility at the time of the inspection. This checklist may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.


The State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at <http://www.des.state.nh.us/hwcs/>, or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that the DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff are available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets of specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your operation, and networks with other state or federal agencies to answer your questions on a national level. The Hotline is available Monday through Friday, 8:00 AM to 4:00 PM at 271-2942 or toll free at (1-866) HAZ-WAST (in-state only).

Should you have any questions regarding this letter, please contact the lead inspector, Eric K. Abrams or John J. Duclos, Supervisor of the Hazardous Waste Compliance Section at 271-2942. Specific questions regarding water related issues may be directed to Sharon Ducharme of DES's Water Division at 271-3307, and for air related issues, please contact Pam Monroe of DES's Air Resources Division at 271-1370. Thank you for your cooperation.

Sincerely,


Kenneth W. Marschner, Administrator
Waste Management Programs
Waste Management Division

cc: RCRA/DB/LOD
Phillip J. O'Brien, Ph.D., P.G., Director, WMD
Gretchen Rule, Esq., Administrator, DES Legal Unit
Lewis Davis, General Manager, Palmer Machine

E-mail: JJD/SD/SD/PM

Enclosed: Hazardous Waste Inspection Modules
NHDES "Summary of Requirements For Management of Used Oil Being Recycled"
NHDES list of "Laboratories that Test Hazardous Waste"